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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of )

Maine Public Utility Commission's )  
Petition for Additional Delegated )  
Authority to Implement Number )  
Conservation Measures )

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**REPLY COMMENTS OF THE ASSOCIATION FOR  
LOCAL TELECOMMUNICATIONS SERVICES**

Common Carrier Bureau  
Network Service Division  
Office of the Chief

The Association for Local Telecommunications Services ("ALTS") hereby submits reply comments, pursuant to Public Notice DA 99-638, regarding the Maine Public Utility Commission's Petition for Additional Delegated Authority to Implement Number Conservation Measures (filed March 17, 1999) (MPUC Petition). ALTS is the leading national trade association representing facilities-based competitive local exchange carriers ("CLECs").

There is a clear split among those filing initial comments to the MPUC Petition, wherein the state utility commission and public advocate respondents unanimously support the Petition, while the carrier respondents generally oppose grant of the Petition. State groups support the MPUC Petition on the grounds that states are in the best position to determine individual state needs, and need the flexibility to tailor number optimization measures to suit those needs.<sup>1</sup> Carriers generally oppose the MPUC Petition on the grounds that grant of this and similar state Petitions would

<sup>1</sup> See, e.g., Massachusetts Department of Telecommunications and Energy's Comments in Support of the Maine Petition, at 3-4; Comments of the Connecticut Department of Public Utility Control, at 2; Comments

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jeopardize pending national number conservation efforts, lead to the development of inconsistent state-specific number administration practices, and erode national administration of the North American Numbering Plan ("NANP").<sup>2</sup>

ALTS sympathizes with the state frustrations at being unable to avoid or influence the continuing area code exhausts, and the carrier concerns that inconsistent development of pooling and other number administration practices will impose significant additional costs on carriers and consumers. As small carriers currently engaged in the difficult process of local market entry, ALTS members are particularly vulnerable to decisions that would increase the cost and complexity of meeting number administration requirements. However, ALTS believes the FCC could provide states with additional authority and encouragement to work with the North American Numbering Plan Administrator ("NANPA") to enforce existing and future number administration guidelines, without compromising the crucial federal role of establishing and revising a single, consistent set of national standards and policies. Clearly, the MPUC Petition and all of the comments point to the paramount need for rapid FCC action to establish national number conservation and pooling standards.

**I. NATIONAL NUMBERING STANDARDS AND POLICIES ESTABLISHED BY THE FCC ARE VITAL TO EFFICIENT AND COMPETITIVELY NEUTRAL NUMBER ADMINISTRATION**

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of the Public Utility Commission of Texas, at 2; Joint Comments of the Pennsylvania Office of Consumer Advocate and the Maine Public Advocate Office, at 9.

<sup>2</sup> See, e.g., Comments of MCI Worldcom, INC., at 6; Comments of the Cellular Telecommunications Industry Association, at 3; Comments of the Personal Communications Industry Association, at 4; Comments of Nextel Communications, Inc., at 6-7; Comments of U S West Communications, Inc., at 1; Comments of AT&T Corp. on Petition for Waiver, at 6-12.

Congress was quite specific in granting sole jurisdiction to the FCC to administer a uniform national numbering system,<sup>3</sup> recognizing that an efficient and effective nationwide numbering system must be centrally administered according to national standards. In interpreting its numbering authority, the FCC has repeatedly recognized that multiple state numbering regimes would be inefficient and result in significant costs to carriers and consumers.<sup>4</sup>

ALTS urges the Commission not to relinquish the important role of establishing national numbering standards and policies, but instead focus on making states partners in enforcing its guidelines. Carriers that operate on a regional or national basis, and smaller carriers, would be especially disadvantaged by the need to comply with a patchwork of state-specific administration guidelines. Regional and national carriers would potentially be expected to adhere to different guidelines in each state in which they operate. Not only would there be very real and possibly significant cost associated with such variations in state number administration and pooling requirements, but smaller carriers are unlikely to have sufficient administrative support to comply with varying state requirements. Thus, abrogation of the Commission's national number administration responsibilities could have a markedly chilling and disproportionate effect on the emergence of local exchange competition.<sup>5</sup>

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<sup>3</sup> 47 U.S.C. § 251(e)(1).

<sup>4</sup> See, e.g., *In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, Memorandum Opinion and Order on Reconsideration, 13 FCC Rcd 19009 (1998) ("Pennsylvania Order"); *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996) ("Second Report and Order").

<sup>5</sup> For example, with respect to the specific request by the MPUC for authority to implement interim Unassigned Number Porting ("UNP"), ALTS points out that the MPUC's apparent intention is to deploy UNP solely to fulfill CLEC numbering needs. Further, the MPUC only says it "doesn't anticipate" -- leaving open the possibility -- that UNP will be necessary to use for all CLEC numbering needs. MPUC

## **II. STATES CAN AND SHOULD PLAY A ROLE IN STATE NUMBER CONSERVATION EFFORTS, INCLUDING ENFORCEMENT TOGETHER WITH NANPA , OF NATIONAL NUMBER ADMINISTRATION GUIDELINES**

Many of the number assignment and utilization standards the MPUC is seeking authority to establish in fact already exist in the current Central Office Code Assignment Guidelines (“Guidelines”).<sup>6</sup> For example, the Guidelines direct the NANPA to ensure that the code applicant places a code in service within the time frame specified in the Guidelines, and if not used within that timeframe, to request return of the code.<sup>7</sup> The NANPA is also directed to seek return of codes that are used in violation of the Guidelines.<sup>8</sup> Other utilization guidelines which the MPUC seeks authority to establish have either recently been revised (e.g., criteria for acquisition of codes) or are in the process of being developed (e.g., audit procedures) under the oversight of the North American Numbering Council (“NANC”). While substitution of the existing national guidelines is neither desirable nor necessary, states should be given additional delegation of authority (to the extent such additional delegation is necessary) to work with the NANPA to ensure that carriers adhere to the Guidelines.

A recent example of the benefits of state involvement in the enforcement of the Guidelines underscores the value of state participation with NANPA to ensure optimal code utilization. The Colorado Public Utilities Commission (“CPUC”) conducted a code utilization survey and discovered that codes had been obtained by carriers that lacked

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Petition at 7. Not only are there currently no national technical or administrative standards for implementing UNP, but a CLEC that has no choice but to obtain numbering resources via UNP would be entirely dependant on an ILEC’s efforts to make numbers available on a timely and neutral basis. Thus, the piecemeal implementation of state-specific number administration measures, without clear national policies and standards, can have far-reaching effects on local exchange competition.

<sup>6</sup> See Central Office Code (NXX) Assignment Guidelines, INC 95-047-008, Reissued January 27, 1999.

<sup>7</sup> *Id.* at Section 5.4.3.

<sup>8</sup> *Id.* at Section 8.0 et seq.

certification to serve in the exchanges for which the codes were requested. After first bringing the matter to the NANC, the CPUC staff began working with the NANPA to implement a number of practices to improve adherence to the Guidelines, including NANPA verification with the CPUC of carrier certification prior to making code assignments. The CPUC's actions have already resulted in the return of numerous central office codes.

Although the CO Code Guidelines authorize the NANPA to seek enforcement of code reclamation guidelines at the Industry Numbering Committee ("INC"), in many cases states, working with NANPA, may be more effective at identifying code misuse and urging prompt return of codes. Therefore, the FCC should clarify, and delegate additional authority if necessary, that states may monitor carrier number utilization data received from carriers, and work with the NANPA to identify improperly held codes and ensure that carriers adhere to the Guidelines. This expansion of authority would allow the MPUC to address precisely the problem cited in its Petition as an example of why the MPUC needs additional authority (*i.e.*, 14 codes had been given to carriers who were not fully authorized. MPUC Petition at 3-4). Such an expanded role for states can improve code utilization without undermining the uniformity of the national number administration system.<sup>9</sup>

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<sup>9</sup> ALTS is aware that many states have exercised a number of options to improve code utilization in their states, without the need for additional delegation of authority or establishment of state-specific number administration procedures. These options include: rate center consolidation, voluntary NXX code give back, expanded local calling area ("ELCA") for wireless carriers, approval of inconsistent rate centers for CLECs, and voluntary sequential number assignment and virtual number pooling trials. Thus, there already exist numerous options that allow states to tailor solutions to meet specific state circumstances, as the MPUC and several other states are seeking.

### **III. THE FCC SHOULD ACT EXPEDITIOUSLY TO ESTABLISH NATIONAL NUMBER CONSERVATION STANDARDS**

Although Maine and several other states are seeking additional authority to implement state-specific number conservation measures,<sup>10</sup> on the grounds that the states need to meet unique state conditions, the fact that all of the petitions seek essentially the same things (*i.e.*, stricter number administration guidelines, 1000 block number pooling, and UNP), suggest that the problems do not require state-specific action at all, but *national* action. ALTS supports the Commission's plan to act expeditiously to initiate a rulemaking on specific number optimization proposals, and establish national rules for 1000 block pooling by the end of 1999. In the meantime, ALTS and its members will continue to work with the NANC, the industry fora, and individual state commissions, to develop and implement number optimization measures promptly.

### **IV. CONCLUSION**

For the reasons stated above, the Commission should decline to grant the MPUC's specific requests to implement Maine-specific number administration guidelines, 1000 block pooling, and UNP. However, the Commission should grant to Maine (and to all states) the authority to monitor carrier number utilization data, and work with the NANPA to identify improperly held codes and ensure that carriers adhere to the Guidelines. In addition, the Commission should move as expeditiously as

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<sup>10</sup> In addition to Maine, New York, Massachusetts, Florida, and California have filed substantially similar petitions.

possible to establish national number conservation standards and the national framework for number pooling.

Respectfully submitted,

Association for Local  
Telecommunications Services

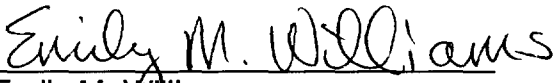
Emily M. Williams  
888 17<sup>th</sup> Street, N.W.  
Suite 900  
Washington, D.C. 20006  
202-969-2585

By: Elizabeth G. Kistner *EWK*  
Elizabeth G. Kistner  
3 Spode Ridge  
St. Louis, Missouri  
63141  
314-991-8189

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Certificate of Service

I hereby certify that on this 17th day of May, 1999, that copies of the foregoing Reply Comments of the Association for Local Telecommunications Services were serviced by U.S. Mail, first class, postage prepaid, or by hand, as indicated to the following parties.

  
Emily M. Williams

Al McCloud (two copies)  
Network Services Division  
Common Carrier Bureau  
Federal Communications Commission  
445 12th Street, S.W.  
Suite 6A-320  
Washington, D.C. 20554

Yog Varma  
Common Carrier Bureau  
Federal Communications Commission  
445 12th Street, S.W.,  
Washington, D.C. 20554

Anna Gomez  
Chief, Network Services Division  
Common Carrier Bureau  
Federal Communications Commission  
445 12th Street, S.W.,  
Washington, D.C. 20554

Blaise Scinto  
Deputy Chief, Network Services Division  
Common Carrier Bureau  
Federal Communications Commission  
445 12th Street, S.W.,  
Washington, D.C. 20554

Trina M. Bragdon, Esq.  
Maine Public Utilities Commission  
242 State Street  
Augusta, Maine 04333



Helen M. Mickiewicz, Esq.  
California Public Service Commission  
505 Van Ness Ave.  
San Francisco, Calif. 94102

Louise Rickard  
Acting Executive Secretary  
Connecticut Public Utilities Commission  
10 Franklin Square  
New Britain, Connecticut  
06051

Levant Ileri  
Division of Communications  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, Florida  
32399-0850

Lawrence G. Malone, Esq.  
New York State Department of Public Service  
Three Empire State Plaza  
Albany, N.E. 12223-1350

Linda Hymans  
Sr. Utility Analyst  
Public Utility Commission of Texas  
1701 N. Congress Ave.  
P.O.Box 13326  
Austin, Texas 78711-3326

Philip F. McClelland, Esq  
Office of Consumer Advocate  
Office of Attorney General  
555 Walnut Street, 5th Floor  
Harrisburg, Pa 17101-1923

William Black, Esq.  
Assistant Public Advocate  
112 State House Station  
Augusta, Maine 04333-0112

Kathryn Marie Krause  
U S WEST Communications, Inc.  
Suite 700  
1020 19th Street, NW  
Washington, D.C. 20036

Michael Altschul  
CTIA  
1250 Connecticut Ave, NW Suite 800  
Washington, D.C.

Mary McDermott  
PCIA  
500 Montgomery St., Suite 700  
Alexandria, Virginia  
22314-1561

Mark Rosenblum  
AT&T Corp  
Room 3245H1  
295 North Maple Ave.  
Basking Ridge, N.J. 07920

Robert Foosaner  
Nextell Communications, Inc  
1450 G Street, N.W.  
Suite 425  
Washington, D.C. 20005

Henry Hultquist  
Associate Counsel  
MCI WorldCom  
1801 Pennsylvania Ave., NW  
Washington, D.C. 20006

ITS (by hand)  
1231 20th Street, N.W.  
Washington, D. C